IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 259 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/11/2004 in WP No. 10076 OF 2004 on the file of the High Court.)

Between:

Mahajan Prakash, S/o. Naganath,
R/o. Birkur, Nizamabad District.

..... APPELLANT

AND

1. The Zilla Parishad Chairman/Chairman, District Level Committee for Sand Auctions, Nizamabad.
2 The District Panchayat Officer-cum-Member-Convener, District Level Committee for Sand Auctions, Nizamabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. K.RAGHUVEER REDDY

Counsel for the Respondent No.2: GP FOR PANCHAYAT RAJ

Counsel for Respondent No.1: Ms. Jyothi Eshwar Gogineni

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The prayer for extension of lease was rejected by the second respondent by order which was impugned in the writ petition. Learned Single Judge dismissed the writ petition as well. The prayer for refund of the lease amount was also rejected. Writ Petition was dismissed by the learned Single Judge on the ground that direction cannot be issued for extension of the period of lease since the rejection was on compliance of the Principles of Natural Justice.

We make it clear that mere fact that there has been rejection of the prayer for refund of the lease money and on that prayer learned Single Judge has not passed any order, it will not prevent the appellant from pursuing his remedy for refund of lease amount, in case, the same is permissible, irrespective of the order passed by the second respondent or dismissal of the writ petition.

The Writ Appeal is dismissed. No costs.

_____

DEVINDER GUPTA, C.J.

23.2.2005.

_____

B.SESHASAYANA REDDY, J.

VR

To

1. The Zilla Parishad Chairman/Chairman, District Level Committee for Sand Auctions, Nizamabad.
2. The District Panchayat Officer-cum-Member-Convener, District Level Committee for Sand Auctions, Nizamabad.

3. Two CCs to Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.